

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

In re:

LEWIS M. IRVING,

: CHAPTER 11

Debtor

: BANKRUPTCY NO. 19-13930

**ORDER SUR MOTION OF BANK OF LSC19, LLC (“LSC”) FOR ENTRY OF ORDER
APPROVING THE DISCLOSURE STATEMENT, PROCEDURES FOR SOLICITATION
AND TABULATION OF VOTES TO ACCEPT LSC’S LIQUIDATING PLAN, AND
RELATED NOTICE AND OBJECTION PROCEDURES, WITH AFFIRMATIVE
DEFENSES**

AND NOW, this day of January, 2020, upon consideration of the
aforementioned Motion of LSC, and the Answer of the Debtor thereto, it is hereby ORDERED
that the above-referenced Motion is DENIED.

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

In re:

LEWIS M. IRVING,

: CHAPTER 11

Debtor

: BANKRUPTCY NO. 19-13930

**DEBTOR'S ANSWER TO MOTION OF LSC19, LLC ("LSC") FOR ENTRY OF ORDER
APPROVING THE DISCLOSURE STATEMENT, PROCEDURES FOR SOLICITATION
AND TABULATION OF VOTES TO ACCEPT LSC'S LIQUIDATING PLAN, AND
RELATED NOTICE AND OBJECTION PROCEDURES**

1. The allegations of the paragraphs 1-5, 8, 14, 16, 18, and 55 of the Motion are admitted.
2. All of the other allegations of the Motion are denied, denied as stated, or are allegations of conclusions law, to which no answer is required. Strict proof of any allegations are demanded at any hearing on the Motion if they are deemed relevant.

AFFIRMATIVE DEFENSES

3. The instant Chapter 11 case is a "small business case" as defined by 11 U.S.C. section (51D).
4. As such, the exclusivity period of the Debtor to file a Chapter 11 Plan extended to December 16, 2019. 11 U.S. C. section 1121(e)(1).
5. The Debtor timely filed a Plan on December 14, 2019.
6. The Movant filed the Plan described in the Motion prematurely, on December 11, 2019.
7. The Movant therefore lacked standing to file the Plan described in the Motion, and, for that reason, the Motion is null and void and should be denied.
8. In addition, the Movant's claim is subject to an Objection, which has been outstanding without resolution since it was filed on August 25, 2019.

9. For that reason, also, the Movant is not a creditor holding an allowed claim, and also lacks standing to file the Plan described in the Motion, and for that reason also, the motion is null and void, and should be denied.
10. The proposed Disclosure Statement is grossly inadequate and misleading in numerous respects, and for that reason, cannot be approved. Among the specific deficiencies are the following:
 - a. It fails to mention or include several of the Debtor's creditors.
 - b. It fails to mention or include some of the Debtor's properties.
 - c. It inaccurately states the amount of the retainer paid by the Debtor to his appointed counsel, and fails to estimate the total fee of counsel.
 - d. It fails to indicate the value of any of the Debtor's properties, most notably his property at 2500 Concord Road, Chester, PA. 19013, on which it allegedly holds a mortgage, and fails to describe that this property includes an occupied cemetery which may not be subject to execution.
 - e. Because of the foregoing deficiencies, among others, it would be impossible for creditors to ascertain the anticipated amount recoverable from any of the sales of real estate of the Debtor contemplated by the Plan.
 - f. It fails to mention or describe any of the post-petition events which have occurred in this case, including the entry of a Bar Date for claims and the Claims Register filed in response thereto, its own pending and unresolved Motion for Adequate Protection Payments, and the Debtor's Response thereto, the pending Interim Stipulations relevant to that Motion, the Debtor's outstanding and unresolved Objections to its own claim and the outstanding Motion of the Debtor to compel discovery not provided relevant to the Motion and the Debtor's offers to settle same.

WHEREFORE, the Debtor requests that this court will deny the Motion, and that this court will indicate that the Plan was improperly filed and cannot be pursued at this time.

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/s/DAVID A. SCHOLL

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Attorney for Debtor